

REMARKS

Claim 1-20 remain in the application. Despite distinctions previously made of record, the claims have once more been rejected essentially on the same basis for which applicants have appealed the earlier rejections. Both the outstanding non-final office action and the prior final office action repeat substantially the same art rejection presented in the still prior office action issued when the Examiner unilaterally withdrew the application from appeal.

Again, notwithstanding the Examiner's reasoning for withdrawing the application from the previous appeal (because the Shaffer reference does not disclose "multiple data telegrams sent in a phase") and use of the Lee reference for disclosing that multiple packets may be sent in a single phase, the rejection still does not address all of the deficiencies in the Shaffer reference. The following remarks only address the specifics in the Response to Arguments presented at pages 2 and 3 of the outstanding office action, while applicants refer the Examiner (again) to the other arguments of record (including the appeal brief) which further illustrate reasons for disagreement with application of the Shaffer reference. The arguments traverse the rejection of all claims based on Shaffer (U.S. 5,960,001) in view of Lee (U.S. 6,611,886), noting that the rejection of claim 20 is in further view of Peterson ((U.S. 6,301,262)).

In the Response to Arguments the Examiner again respectfully states disagreement that the Shaffer reference does not define a phase in a transmission cycle based on the receive time of the end of a telegram or data packet. The response now urges (with citation only made to col. 4, line 59 – col. 5, line 10) that reference to backoff times somehow amounts to an equivalent for defining a distinct phase in a transmission cycle based on the receive time of the end of a data packet.

The interpretation based on col. 4 line 59 ff is lacks consistency with the definition and application of backoff times (used by Shaffer only in the context of collision avoidance) as described at col. 1, lines 20 – 49 and col. 2, lines 25 – 30. The reference is not referring to a phase of a transmission cycle during which only isochronous data is transmitted. In fact, the following excerpt from the Response to Arguments (taken from page 3 of the office action) does not even appear to be the same as what is stated in the citation made to col. 4, line 59 – col. 5, line 10. The rejection states at page 3:

“Shaffer teaches network devices that extend a backoff time, before sending a packet, to the end of a current transmission on a bus. Extension of a backoff time may be treated as characterizing a transmission phase based on a receive time of the end of a packet because detecting activity on the bus may be treated as receiving the packet. Therefore, when a device determines the end time of activity on a bus, it determines receiving the end of the packet (columns 4-5, lines 59-10). The rejections are maintained.”

Even if it is assumed that this interpretation of the citation is correct, applicants still disagree that the above characterization of the Shaffer reference discloses defining “a first phase of a transmission cycle ... characterized by an end time based on a defined receive time of the end of a data telegram of an isochronous phase a having the first priority ...” as set forth in claim 1. Similar distinctions exist in independent claims 6 and 10.

The reasons applicants disagree is that the citation used for the rejection is taken out of context and is incorrectly applied. First, the Examiner is requested to consider the explanation at col. 1, lines 30ff which state that the backoff time is a “delay time” (e.g., 51.2 microseconds) prior to sending a data packet for purposes of collision avoidance. Specifically, the reference explains that when a transmission is terminated due to a collision, it is retried after “a selected backoff time” and this indicates a wait time. Further, the citation states that the backoff time is selected as a multiple of the slot time, i.e., a multiple of the maximum round trip time from one end of the network to another end of the network (and back again). The Examiner’s argument must be considered in the context of the Examiner’s full citation. See col. 4, lines 64ff which explains that **during** isochronous data transmission the backoff times, i.e., the delay/wait times, for collision avoidance **are suspended**. So, it is only in the stated context (col. 4, lines 59-60) wherein an isochronous transmission has just terminated and the network device is attempting to transmit nonisochronous data, that there may be a collision and if there is a collision this then results in provision of another back-off time (delay time) before the nonisochronous data is transmitted. As noted at lines 66-67 of col. 4, *backoff times are suspended during time periods when isochronous data is to be next transmitted*. For these reasons the cited passages do not disclose the claimed invention.

In this regard, applicants submit that confusion results regarding the context and meaning of the statement in Shaffer (col. 5, lines 1 – 2) that “the backoff window will be automatically extended to the end of the isochronous transmission ...” but consistency is had by recognizing that the author is only stating that nonisochronous data is not sent while isochronous data is

being transmitted; and this statement does **not** indicate that the end of one isochronous transmission marks the end of a phase reserved for multiple isochronous transmissions. Applicants' claim 1 requires that the end time for the **first phase** of a transmission cycle (in which data telegrams assigned a first priority are sent) is marked by the end time of the transmission of one of the telegrams having the first priority. In the Shaffer reference, the delay time for collision avoidance (before transmitting nonisochronous) is extended to avoid collision with the isochronous data transmission but there is **no** connection between this function and ending the phase of isochronous data transmission. According to the cited passages in Shaffer, the running of delay times is suspended during transmission of isochronous data. This is not the same as ending a phase of multiple isochronous transmissions by extending a backoff window to the end of one isochronous transmission. This is what the rejection appears to conclude, but there is no support for this position. Applicants' understanding is consistent with the statement in *Shaffer (col. 4, lines 59-61)* that

“If an isochronous transmission on the bus has just terminated, the network device may wish to transmit nonisochronous data”

because the cited passages do not relate to restricting transmission of isochronous data and nonisochronous data in separate phases reserved for each type of data transmission.

Conclusion

Applicants continue to disagree with the rejections presented under Section 103, and the Examiner is requested to fully respond to the deficiencies of the art rejections as noted herein.

Based on the above amendments and the argument presented, the application should be allowed. If the Examiner refuses allowance, then the Examiner is requested to issue a complete response to the Applicants' argued deficiencies of the rejection so that Applicants have a fuller understanding of the Examiner's position prior to preparing another appeal brief.

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The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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